

NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

RULE REPEAL AND PROMULGATION: DMR Regulation 95.03 I, Closed Area No. 17, Harraseeket River, Freeport, promulgated on September 28, 2004, is repealed and replaced with the following rule:

TEXT OF RULE: DMR Regulation 95.03 I, Closed Area No. 17, Harraseeket River, Freeport

Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of the Harraseeket River in the following areas:

1. North of a line beginning at the end of Talbot Way on the western shore of the Harraseeket River, running southeasterly to the southernmost boundary of Wolf Neck State Park, AND south of a line beginning at the north end of Nappi's Cove, running due east to the southern end of Bartol Island, then running southeasterly to an orange painted post 375 yards north of Winer's Cove.
2. From May 1 through November 30, south of a line beginning at an orange painted post located approximately 25 yards north of the northwest end of Brewer's Marine Service and running southeasterly to an orange painted rock located on the western shore of Wolf Neck; AND north of a line beginning at an orange painted post located about 230 yards south of the Harraseeket Yacht Club and running southeasterly to the northern tip of Stockbridge Point, then running easterly across the mouth of the Harraseeket River to the southern end of the old stone pier on Moore Point.

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. Section 6204).

EFFECTIVE DATE: October 12, 2004

AGENCY CONTACT PERSON: Amy M. Fitzpatrick
Department of Marine Resources
McKown Point Road
West Boothbay Harbor, Me 04575

TIMES RECORD
October 15, 2004

STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals the emergency DMR Regulation 95.03 I, Closed Area No. 17, Harraseeket River, promulgated September 28, 2004, and replaces it with a new rule. This new rule reopens the conditional area of the Harraseeket River following the repair of a sewage treatment plant malfunction. A conservation closure prohibits harvesting weekends, holidays and evening hours.

In case of malfunction at the Freeport Sewage Treatment Plant, the Harraseeket River and its tributaries will be closed northerly of a line beginning at the northern tip of Stockbridge Point and running northeasterly to the southern end of the old stone pier on Moore Point.

Department personnel have determined that the remaining closed areas are subject to intermittent microbiological pollution, which poses a threat to public health.


LEW FLAGG
DEPUTY COMMISSIONER (EXTERNAL AFFAIRS)

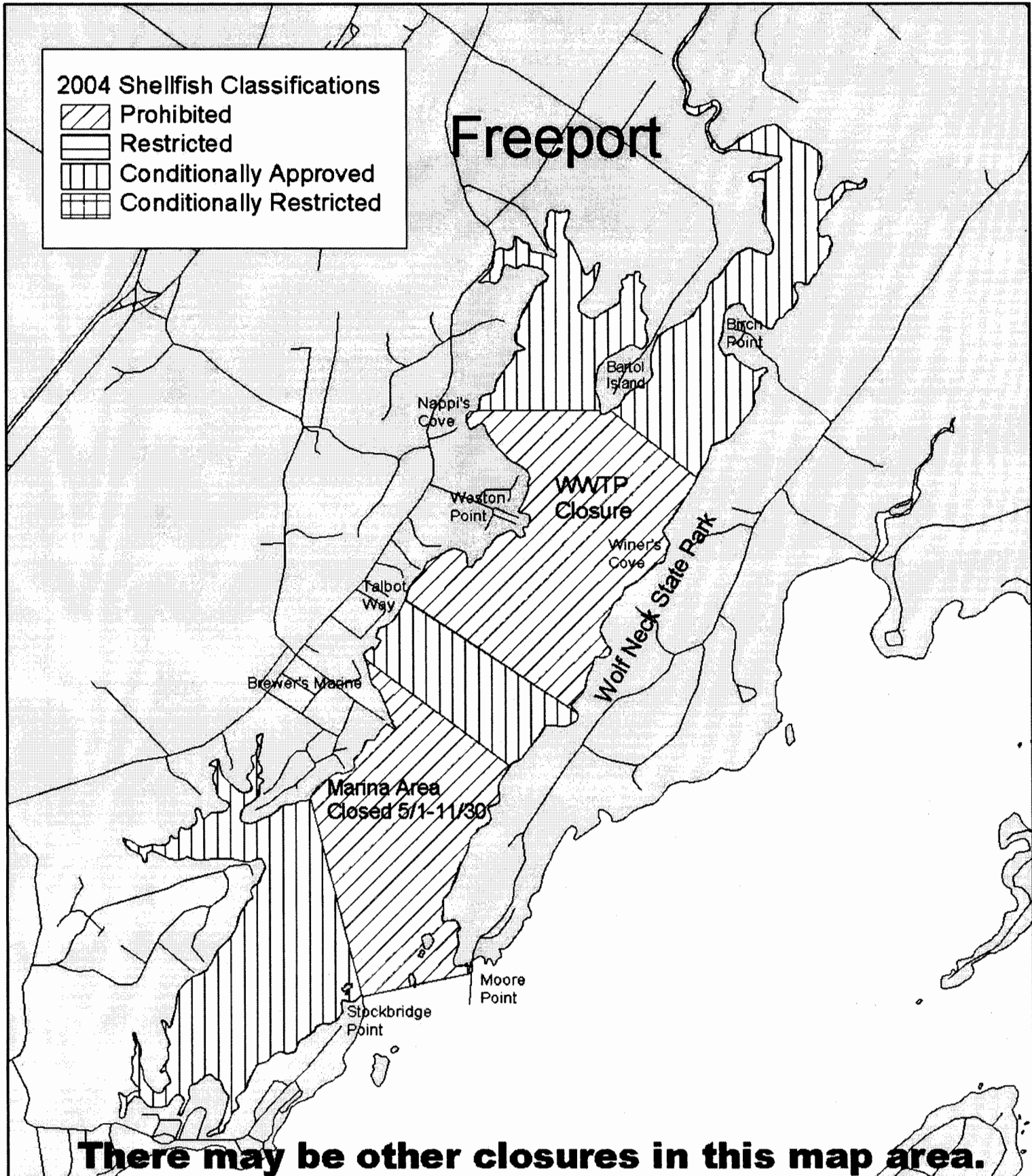


Maine Department of Marine Resources

Legal Notice of Shellfish Closure Area

C17 Harraseeket River, Freeport

10/12/04



0.5 0 0.5 1 Miles